

REMARKS

Claims 1-10 were previously pending in the application. Claims 5, 7-9 were found allowable over the prior art. Claims 1-4, 6 and 10 were rejected over the prior art. New claims 11 and 12 are added.

Claims 1-3 and 10 were rejected as anticipated by U.S. Patent No. 2,553,277 to Robinson. Contrary to the Examiner's statements in the Detailed Action, the Robinson device is not an apparatus that may be used for the practice of martial arts techniques. The Robinson device is a means of controlling and operating a paralyzed hand, and requires numerous rigid elements (extension 33, spring 34, connection 35, shields 12, 21, 25) that are contrary to Applicant's claimed invention. Nowhere does Robinson disclose a *conformable grip* as recited in Applicant's Claim 1. The device referred to in Robinson by the Examiner (Fig. 2) consists of *rigid* shields (Col. 3, lines 1-5). Such rigid elements cannot form a *conformable grip* as claimed by Applicant. A structure that is rigidly shaped in the form of a hand is not conformable as the word conformable includes a meaning of capable of changing shape.

In addition, Applicant's Claim 10 recites a means of applying resistance force to the middle of a user's forearm. The Robinson device does not disclose any such structure, nor enables such function.

To clarify Applicant's invention as claimed and its distinction from rigid devices such as that of Robinson, Applicant's claim 1 and 10 are amended above to specifically state that the straps of Applicant's claimed invention are understood to be flexible. Robinson discloses no such flexible straps (elements 33, 35 being necessarily rigid) as such are contrary to the operation and function of the Robinson device.

Under the law, an anticipating reference must both disclose all the claim limitations "in as complete detail as is contained in the . . . claim" and must enable the claimed invention. MPEP 2131 Because Robinson does not disclose all of the limitations of Applicant's invention as claimed, and because Robinson does not enable a device with the functions of Applicant's claimed invention, rejection is improper.

Claims 1, 4, and 6 were rejected as obvious in view of Robinson. Examiner relies on his prior discussion with regard to Claim 1 from which claims 4 and 6 depend. As discussed above, Robinson

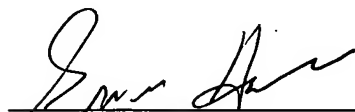
does not disclose all of the limitations of Claim 1 and therefore rejection of claims 4 and 6 is improper.

Claim 1 was rejected as obvious over U.S. Patent No. 5,358,471 to Klotz in view of U.S. Patent No. 5,458,564 to Franzen. Both Klotz and Franzen concern rigid wrist braces and do not contemplate resistance training devices such as Applicant's claimed invention. Neither reference discloses or suggests a conformable grip as claimed by Applicant. The Klotz device reference (Fig.2) consists primarily of a forearm support member 22, a grip support 34 and a hand engageable member 24, *all of which are of rigid construction*. (Col. 4, line 1-5; col 4, line 39-42). The hand grip 32 disclosed by Klotz is a rigid solid (preferably wooden; Col. 4, line 44) structure that is only covered by lamb's wool. Such rigid construction is essential to the therapeutic support function of the Klotz device, but is antithetical to the specified function of Applicant's claimed invention. Such a construction cannot be said to include, or admit of, a conformable grip as claimed by Applicant.

Neither Klotz nor Franzen discloses nor suggests flexible medial and lateral straps as claimed in Applicant's amended Claim 1. The elements referenced in Klotz (22, 34) are neither straps nor flexible, as the words are commonly understood. Because the cited references do not disclose nor suggest or motivate a device including all of the elements of Applicant's claimed invention, rejection is improper.

New claims 11 and 12 are added above to claim Applicant's invention in various levels of detail. The new claims include a conformable grip and flexible straps as discussed above.

For the above reasons, Applicant believes the pending claims as listed above are in condition for allowance and reconsideration and allowance is requested.

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